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BEFORE THE
ILLINOIS COMMERCE COMMISSION

AMEREN TRANSMISSION COMPANY)
OF ILLINOIS)
) DOCKET NO.
Petition for an Order pursuant) 14-0551
to Section 8-509 of the Public)
Utilities Act Authorizing Use)
Of Eminent Domain Power.)

Springfield, Illinois

Friday, October 3, 2014

Met, pursuant to notice at 9:00 a.m.

BEFORE :

John D. Albers, Administrative Law Judge

MIDWEST LITIGATION SERVICES, by
Angela C. Turner
CSR #084-004122

1 APPEARANCES:

2 Eric Dearmont
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7 (Appearing on behalf of Ameren Transmission
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9

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17 (Appearing on behalf of Intervenor.)
18

19 Matthew Harvey
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21 Illinois Commerce Commission
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24 (Appearing on behalf of Staff of the
Illinois Commerce Commission via phone.)

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1 PROCEEDINGS

2 JUDGE ALBERS: By the authority vested in me
3 by the Illinois Commerce Commission, I now call
4 Docket Number 14-0551. This docket concerns the
5 petition of Ameren Transmission Company of Illinois
6 in its request for an Order pursuant to Section 8-509
7 of the Public Utilities Act authorizing its use of
8 eminent domain power in Shelby and Macon Counties.

9 May I have the appearances for the record,
10 please?

11 MR. DEARMONT: Good morning, Judge. Eric
12 Dearmont on behalf of Ameren Transmission Company of
13 Illinois. My business address is 1901 Chouteau
14 Avenue, St. Louis, Missouri, 63166.

15 MS. SEGAL: Good morning, your Honor. Also
16 on behalf of Ameren Transmission Company of Illinois
17 Rebecca Segal of Whitt Sturtevant LLP, 180 North
18 LaSalle Street, Suite 2001, Chicago, Illinois, 60601.

19 MR. KALB: Brian Kalb for Dr. Terry Traster.
20 My address is 411 St. Louis Street, Edwardsville,
21 Illinois, 62025.

22 JUDGE ALBERS: Mr. Harvey.

23 MR. HARVEY: Appearing for the Staff of the
24 Illinois Commerce Commission, Matthew L. Harvey, 160

1 North LaSalle Street, Suite C-800, Chicago, Illinois,
2 60601. Also present in open court is Greg Rockrohr,
3 senior engineer from the Commission's Safety and
4 Reliability Division.

5 JUDGE ALBERS: Any others wishing to enter
6 an appearance?

7 (No response.)

8 JUDGE ALBERS: Let the record show no
9 response.

10 As far as preliminary matters, I just want
11 to confirm that, at this point, is ATXI -- if I look
12 at the tax parcel numbers -- still seeking eminent
13 domain on 11 parcels owned by eight landowners if I
14 go by the --

15 MR. DEARMONT: If you look at the tax ID
16 numbers, I believe that would be correct. There are
17 eight primary landowners remaining. I know that that
18 corresponds with nine of our internal tract numbers.
19 And subject to check, yes.

20 JUDGE ALBERS: Just wanted to make sure you
21 hadn't gotten any more easements since the rebuttal
22 testimony.

23 MR. DEARMONT: We have not.

24 JUDGE ALBERS: Thank you.

1 And I'll go ahead and after this hearing
2 send out an outline today for use in the briefs.
3 Just FYI.
4 Are there any preliminary matters?
5 MR. DEARMONT: Just to confirm, I believe we
6 discussed that those briefs are due by Tuesday at
7 noon. Is that your recollection?
8 JUDGE ALBERS: October 7th, yes.
9 MR. DEARMONT: Okay.
10 JUDGE ALBERS: I think that's Tuesday.
11 MR. DEARMONT: Thanks, Judge.
12 JUDGE ALBERS: Any other preliminary
13 matters?
14 (No response.)
15 JUDGE ALBERS: All right. Well, I suppose,
16 Mr. Dearmont, if you would like to call your first
17 witness.
18 MR. DEARMONT: We can. Or perhaps we can
19 get Dr. Traster out of the way. I believe that no
20 parties have questions for him this morning. And by
21 agreement with counsel, I think we have agreed to
22 move in some of his responses to three of ATXI's DRs.
23 And Mr. Kalb may have an affidavit as well. So if
24 you don't mind, perhaps we could take care of that.

1 JUDGE ALBERS: That's fine.

2 MR. KALB: Again, my name is Brian Kalb
3 representing Dr. Terry Traster. We are going to be
4 moving to admit today on e-Docket Traster
5 Exhibit 1.05, which is an affidavit of Terry Traster
6 to be offered in lieu of his testimony. Dr. Traster
7 previously submitted his direct testimony, Traster
8 Exhibit 1.0 and Traster Exhibit 1.0 Revised along
9 with exhibits thereto marked as Traster Exhibit 1.01,
10 1.02, 1.03 Revised, and 1.04 Revised which was filed
11 on e-Docket on September 29, 2014.

12 And according to the affidavit we will be
13 filing, if asked under oath the questions posed in
14 his revised direct testimony, along with exhibits
15 marked 1.01, 1.02, 1.03 Revised, and 1.04 Revised
16 attached thereto, it would contain the same answers
17 contained therein.

18 So we, on behalf of Terry Traster, move to
19 admit those exhibits along with his direct testimony
20 revised into evidence.

21 JUDGE ALBERS: Any objection?

22 MR. DEARMONT: No objection.

23 MR. HARVEY: None from Staff.

24 MR. KALB: One more item to move in, your

1 Honor -- I believe I had spoken to counsel for
2 ATXI -- is Exhibit Traster Cross 5, which I have a
3 copy of which I will give to the court reporter and
4 also file on e-Docket today, which is an appraisal
5 which has been redacted for purposes of these
6 proceedings. And it's the appraisal of Dr. Traster's
7 property from American Appraisal Company.

8 MR. DEARMONT: I think I am okay with that,
9 but can we take it up during cross examination, I
10 suppose, of Ms. Sloan?

11 MR. KALB: Okay.

12 MR. DEARMONT: Is that okay?

13 MR. KALB: That's fine.

14 MR. DEARMONT: So no objection. But if you
15 would hold the tender until that time, I would
16 appreciate that.

17 JUDGE ALBERS: That's fine.

18 So for the time being then, I don't hear any
19 objection to Mr. Traster's own testimony.

20 MR. DEARMONT: Correct.

21 JUDGE ALBERS: So hearing no objection,
22 Traster Exhibit 1.0 Revised, 1.01, 1.02, 1.03
23 Revised, 1.04 Revised, and 1.05 are all admitted.

24 (Traster Exhibits 1.0 Revised,

1 1.01, 1.02, 1.03 Revised, 1.04
2 Revised, and 1.05 were admitted at
3 this time.)

4 JUDGE ALBERS: And I apologize. Did you say
5 the affidavit is already on e-Docket or will be?

6 MR. KALB: It will be on e-Docket. I have a
7 copy for circulation here with me now. But my
8 assistant will be posting it on e-Docket this
9 morning.

10 JUDGE ALBERS: That's fine.

11 Anything further regarding Mr. Traster?

12 MR. KALB: Nothing further from me.

13 JUDGE ALBERS: Okay. Mr. Dearmont.

14 MR. DEARMONT: Regarding Dr. Traster, by
15 agreement with counsel, at this time, ATXI would mark
16 and move for the admission of what has been
17 designated as ATXI Group Cross Exhibit 1, which
18 consists of Dr. Traster's responses to ATXI DRs 1.01,
19 1.02, and 1.06.

20 MR. KALB: No objection, your Honor.

21 JUDGE ALBERS: Do you have a hard copy of
22 that?

23 MR. DEARMONT: I do. There you are.

24 JUDGE ALBERS: Do you have an extra one for

1 me?

2 MR. DEARMONT: I do.

3 JUDGE ALBERS: Hearing no objection then,

4 ATXI Group Cross Exhibit 1 is admitted.

5 (ATXI Group Cross Exhibit 1 was

6 admitted at this time.)

7 JUDGE ALBERS: Anything further from

8 Mr. Dearmont then regarding Dr. Traster?

9 MR. DEARMONT: Nothing regarding

10 Dr. Traster. Thanks.

11 JUDGE ALBERS: Does that take care of Dr.

12 Traster then?

13 MR. KALB: Yes, I believe so, your Honor.

14 JUDGE ALBERS: If you would like to call

15 your first witness on behalf of ATXI, I will swear

16 that person in -- I guess I'll go ahead and swear

17 everybody who's present.

18 (Witnesses sworn.)

19 MR. DEARMONT: At this time, ATXI would call

20 Dr. Jerry Murbarger to the stand.

21 * * * * *

22 JERRY MURBARGER,

23 of lawful age, produced, sworn and examined on behalf

24 of the COMPANY, testifies and says:

1 DIRECT EXAMINATION

2 QUESTIONS BY MR. DEARMONT:

3 Q. Good morning, Mr. Murbarger. How are you?

4 A. Fine. Thank you.

5 Q. Great.

6 Are you the same Jerry Murbarger that
7 prepared and caused to be filed on September 9th of
8 this year what has been identified as ATXI
9 Exhibit 3.0 representing your direct testimony?

10 A. Yes, I am.

11 Q. Do you have any corrections to that
12 testimony?

13 A. No, there is not.

14 Q. Is all of the information contained therein
15 true and accurate to the best of your knowledge,
16 information and belief?

17 A. Yes, it is.

18 Q. And if asked the same questions as are
19 contained therein, would your answers be the same or
20 substantially the same today?

21 A. Yes, they would.

22 Q. Are you the same Jerry Murbarger who
23 prepared and caused to be filed on October 1st of
24 this year testimony labeled as ATXI Exhibit 6.0, the

1 rebuttal testimony of Jerry Murbarger?

2 A. Yes, I am.

3 Q. Do you have any corrections to that piece of

4 testimony?

5 A. No, I have not.

6 Q. Is all of the information contained therein

7 true and accurate to the best of your knowledge,

8 information and belief?

9 A. Yes.

10 Q. If asked the same questions today, would

11 your responses be the same or substantially the same?

12 A. The same, yes.

13 MR. DEARMONT: Great. I have no further

14 questions for Mr. Murbarger and would move for the

15 admission of ATXI Exhibits 3.0 and 6.0 subject to

16 perhaps his cross examination.

17 JUDGE ALBERS: Mr. Kalb or Mr. Harvey, do

18 either have any questions for Mr. Murbarger?

19 MR. HARVEY: Staff has none for Mr.

20 Murbarger.

21 MR. KALB: Dr. Traster has none for Mr.

22 Murbarger.

23 JUDGE ALBERS: Mr. Murbarger, I have a

24 couple of questions I think lend themselves to a

1 technical nature, so I will ask you.

2 EXAMINATION

3 QUESTIONS BY JUDGE ALBERS:

4 Q. With regard to Dr. Traster's property, do
5 you know whether all of that line of trees he has
6 there need to be removed?

7 A. I would believe so, yes.

8 Q. Is it possible to replace the trees with new
9 ones in a different location that would still be
10 compatible with the transmission line?

11 A. Any trees that would be placed in there, we
12 have a certain design criteria or certain criteria
13 for type of trees that might be able to be put back
14 in place. We would have to work with our forestry
15 department and see what would be allowed in that
16 area. We have a wire zone and then a border zone,
17 and there's certain size trees are allowed at each
18 one of those zones.

19 Q. Sure.

20 Is there physically space though just in
21 terms of the width of that ground there, do you know?

22 A. I don't remember exactly how wide that is
23 off from the edge of the right-of-way over towards
24 the pond. I am not exactly sure what that is.

1 Q. Okay.

2 A. I don't remember what it is.

3 Q. Would you have been involved in any

4 discussion with Dr. Traster in terms of offering to

5 replace the trees?

6 A. No, I have not.

7 Q. I think that's probably where it cuts over

8 to Ms. Sloan.

9 A. Yes.

10 JUDGE ALBERS: All right. That's all I had.

11 MR. KALB: Can I have a couple of follow-up

12 questions on that line?

13 JUDGE ALBERS: Go ahead.

14 CROSS EXAMINATION

15 QUESTIONS BY MR. KALB:

16 Q. Do you know the size of trees that may be

17 replaced within or may be put in the easement, do you

18 know if those would serve as a windbreak or of such

19 size?

20 A. I couldn't answer that question. I am not

21 positive. I am not specific on what size -- or what

22 type of tree is allowed.

23 MR. KALB: Okay. That's all the questions I

24 have. Thank you.

1 JUDGE ALBERS: Do you have any redirect?

2 MR. DEARMONT: I have no redirect.

3 JUDGE ALBERS: Any objection then to

4 Mr. Murbarger's testimony?

5 MR. KALB: I have no objection, your Honor.

6 JUDGE ALBERS: Hearing no objection, ATXI

7 Exhibits 3 and 6 are admitted.

8 (ATXI Exhibits 3.0 and 6.0 were

9 admitted at this time.)

10 JUDGE ALBERS: Thank you, Mr. Murbarger.

11 THE WITNESS: Thank you.

12 MS. SEGAL: Your Honor, ATXI would like to

13 call Mr. Rick Trelz.

14 * * * * *

15 RICK TRELZ,

16 of lawful age, produced, sworn and examined on behalf

17 of the COMPANY, testifies and says:

18 DIRECT EXAMINATION

19 QUESTIONS BY MS. SEGAL:

20 Q. Good morning, Mr. Trelz.

21 A. Good morning.

22 Q. How are you?

23 A. I am very good.

24 Q. Do you have what is in front of you what has

1 been marked ATXI Exhibit 1.0 identified as the direct
2 testimony of Rick Trelz?

3 A. I do.

4 Q. Do you also have in front of you ATXI
5 Exhibit 1.1 and 1.3 and 1.4 identified as the
6 supporting exhibits of the direct testimony of Rick
7 B. Trelz?

8 A. I do.

9 Q. These are all dated September 9th?

10 A. Yes.

11 Q. Do you also have in front of you ATXI
12 Exhibit 1.2 Revised dated October 2nd?

13 A. I do.

14 Q. And ATXI Exhibit 4.0 the rebuttal testimony
15 of Rick Trelz and supporting exhibit ATXI Exhibit 4.1
16 dated October 1st?

17 A. Yes, I do.

18 Q. And was this testimony and supporting
19 exhibits prepared by you or at your direction?

20 A. Yes, they are.

21 Q. If asked the same questions contained
22 within, would your answers be the same today?

23 A. Yes.

24 Q. Are they true and correct to the best of

1 your knowledge, information and belief?

2 A. Yes.

3 MS. SEGAL: Your Honor, I would move for the
4 admission of ATXI Exhibit 1.0, 1.1, 1.2 Revised, 1.3
5 and 1.4, 4.0 and 4.1.

6 JUDGE ALBERS: Mr. Kalb or Mr. Harvey, do
7 either of you have any questions for Mr. Trelz?

8 MR. KALB: I do have a quick question for
9 Mr. Trelz.

10 MR. HARVEY: And I have several, your Honor,
11 as well. So I'll defer to Mr. Kalb.

12 JUDGE ALBERS: Okay. Go ahead, Mr. Kalb.

13 CROSS EXAMINATION

14 QUESTIONS BY MR. KALB:

15 Q. Mr. Trelz, as part of your position with
16 ATXI, do you coordinate with the companies providing
17 appraisals?

18 A. When you say "coordinate", what do you mean
19 specifically?

20 Q. Do you have contact with them?

21 A. Occasionally.

22 Q. Are you the main point of contact for
23 companies that provide appraisals for ATXI?

24 A. The main point of contact, no, I wouldn't

1 say -- well, I am the one who approves their invoices
2 who is involved with the hiring of them. But I think
3 that the main point of contact would be Ms. Sloan.

4 Q. Would you be a person who would give
5 instructions to the appraisers on the scope of what
6 they're doing?

7 A. The scope was provided by our outside legal
8 counsel. The appraisers were instructed to follow
9 the Illinois eminent domain laws, the methodology
10 that's recognized in those laws, in the preparation
11 of their reports.

12 Q. Are you part of those conversations?

13 A. I have been a part. But some of them I have
14 been to, some I have not.

15 Q. And looking at the appraisal for
16 Dr. Traster's property, under scope of work and
17 valuation on page four, there is a statement that
18 says: At the request of the client, the appraiser
19 had no contact or interview with the property owner
20 and the subject site inspection has been limited to a
21 viewing of the property from the public right-of-way.

22 Would you have been a person who would have
23 instructed the appraiser not to have contact with the
24 landowner?

1 A. No, not specifically. Again, the appraisers
2 were told by legal counsel to follow the requirements
3 of the Illinois eminent domain laws. Just because
4 they haven't had contact with a landowner or set foot
5 on the property for a physical inspection in no way
6 invalidates the appraisal.

7 Q. I am not suggesting that it invalidates the
8 appraisal. I am just wondering at whose request the
9 appraiser was told not to have contact with the
10 landowner.

11 A. That was discussed with our outside legal
12 counsel.

13 Q. Do you have any belief that the -- there is
14 a requirement or anything in the eminent domain
15 statute which would limit the appraiser's right to
16 contact the property owner?

17 A. I am not an attorney, but I am not aware of
18 anything that would.

19 Q. Do you have any idea why ATXI would instruct
20 the appraiser not to contact the landowner?

21 A. No. I mean, it isn't something that -- I
22 mean, they're just following the guidelines that were
23 established by the attorneys to follow the Illinois
24 eminent domain laws.

1 Q. I guess my only question to you -- if you
2 don't know, that's fine -- the appraisal says: At
3 the request of the client, the appraiser has had no
4 contact or interview with the property owner.

5 Do you have any knowledge as to why that
6 direction was given to the appraiser?

7 A. No, I don't recall.

8 MR. KALB: I have no further questions, your
9 Honor. Thank you.

10 JUDGE ALBERS: Mr. Harvey.

11 CROSS EXAMINATION

12 QUESTIONS BY MR. HARVEY:

13 Q. Just a few questions, Mr. Trelz.

14 I believe we last spoke -- I am Matt Harvey.
15 I'm an attorney for the Commission Staff. We last
16 spoke a week ago Monday and it sounds like we're
17 going to be talking more. But I just have a few
18 questions for you.

19 A. Okay.

20 Q. First of all, I'll ask you to turn your
21 attention to page four of your rebuttal testimony.

22 A. Okay. I am there.

23 Q. There you state that in its brief on
24 exceptions, ATXI informed the Commission that if it

1 could not obtain rights to cross the MCCD parcels, it
2 would present a significant obstacle to completion of
3 the approved route. Is that correct?

4 A. That's correct.

5 Q. Just for clarification, MCCD is the Macon
6 County Conservation District, correct?

7 A. That's correct.

8 Q. That brief on exceptions was filed -- was
9 the brief on exceptions on rehearing filed on
10 January 29th of this year?

11 A. I believe that is correct. I do not have a
12 copy of it in front of me, but that date does sound
13 familiar.

14 Q. Would you accept that subject to check?

15 A. I would.

16 Q. And the Commission entered its second Order
17 on rehearing on February 20th of this year, correct?

18 A. Yes.

19 Q. Now, you're not asking or rather ATXI is not
20 asking for Section 8-509 eminent domain authority
21 with respect to the landowners across -- along what
22 you're referring to as ATXI's modification of the
23 approved route, are you?

24 A. No, we are not.

1 Q. And just to be clear, the absence of eminent
2 domain authority, a landowner can request whatever
3 price he chooses for the easement that you seek,
4 right?

5 A. Yes.

6 Q. Or he can decline to convey one at all?

7 A. Correct.

8 Q. One other quick question. And I'd ask you
9 to turn your attention to page three of your rebuttal
10 testimony.

11 A. I am sorry. What page was that?

12 Q. Three.

13 A. Okay.

14 Q. There you state that Rockrohr found ATXI's
15 request for eminent domain authority for the specific
16 properties to be reasonable.

17 Is that the correct characterization of your
18 testimony?

19 A. Okay. You're at line 53 and 54?

20 Q. Fifty-one through 54, that question and
21 answer.

22 A. Let me review that quickly.

23 Okay. And what was the question again,
24 Mr. Harvey?

1 Q. I am sorry. There you state, do you not,
2 that Mr. Rockrohr found ATXI's request for eminent
3 domain authority in the specific properties to be
4 reasonable?

5 A. Yes.

6 Q. And you cite to his testimony there, do you
7 not?

8 A. Yes.

9 Q. Now, per that testimony, wouldn't it be more
10 fair to say that Mr. Rockrohr found the negotiations
11 to be reasonable?

12 A. Yes, that's probably fair to say.

13 MR. HARVEY: That's all I have. Thank you
14 very much, Mr. Trelz.

15 JUDGE ALBERS: Ms. Segal, do you have any
16 redirect?

17 MS. SEGAL: Yes, I do, your Honor.

18 REDIRECT EXAMINATION

19 QUESTIONS BY MS. SEGAL:

20 Q. Mr. Trelz, Staff counsel was asking you
21 about the ATXI proposed modification around Macon
22 County Conversation District?

23 A. Yes.

24 Q. Is ATXI currently engaged with negotiations

1 with landowners along that modification?

2 A. Yes, we are.

3 Q. And has ATXI acquired any easements from any
4 of those landowners?

5 A. Yes, we have. There are a total of four
6 landowners along the slight change in the route
7 around the MCCD property. We have obtained voluntary
8 easements from two of the four. And the third one,
9 we understand there is some language issues that are
10 being reviewed by their attorney. So we're very
11 optimistic that we'll be able to obtain all four
12 voluntarily.

13 Q. The methodology for ATXI's offers for those
14 four landowners, was that the same methodology used
15 for offers made to other landowners along the route?

16 A. Yes, it was.

17 MR. HARVEY: I think that's kind of beyond
18 the scope of my cross examination, your Honor.

19 JUDGE ALBERS: I will allow it.

20 MS. SEGAL: I have nothing further.

21 JUDGE ALBERS: Mr. Harvey, do you have any
22 recross?

23 MR. HARVEY: No, your Honor, I do not.

24 Thank you.

1 JUDGE ALBERS: Are there any objections then
2 to Mr. Trelz's testimony?

3 (No response.)

4 JUDGE ALBERS: Hearing none, then ATXI
5 Exhibit 1.0, 1.1, 1.2 Revised, 1.3, 1.4, 4.0 and 4.1
6 are admitted.

7 (ATXI Exhibits 1, 1.1, 1.2 Revised,
8 1.3, 1.4, 4.0 and 4.1 were admitted
9 at this time.)

10 JUDGE ALBERS: Thank you Mr. Trelz.

11 MR. DEARMONT: At this time, ATXI would call
12 Ms. Amanda Sloan to the stand.

13 * * * * *

14 AMANDA SLOAN,
15 of lawful age, produced, sworn and examined on behalf
16 of the COMPANY, testifies and says:

17 DIRECT EXAMINATION

18 QUESTIONS BY MR. DEARMONT:

19 Q. Good morning, Ms. Sloan. How are you?

20 A. Good morning. I am well. Thank you.

21 Q. Good.

22 Are you the same Amanda Sloan who prepared
23 and caused to be filed on September 9th, what has
24 been identified as ATXI Exhibits 2.0, 2.1 -- I will

1 stop there -- 2.0 and 2.1?

2 A. Yes.

3 Q. Did you also prepare and cause to be filed
4 on September 11, ATXI Exhibit 2.2 Revised?

5 A. Yes.

6 Q. And for the benefit of the record, that
7 document is designated as confidential containing
8 terms of negotiations, correct?

9 A. Correct.

10 Q. Did you also prepare and cause to be filed
11 ATXI Exhibit 2.3 Parts A and C through J on
12 September 9th of this year?

13 A. Yes.

14 Q. Did you also prepare and cause to be filed
15 yesterday 2.3 Part B Revised?

16 A. Yes.

17 Q. Did you also prepare and cause to be filed
18 what has been designated as ATXI Exhibits 2.4 and
19 2.5? Those documents were filed on September 9th of
20 this year.

21 A. Yes.

22 Q. Finally, did you prepare and cause to be
23 filed ATXI Exhibit 5.0 representing your rebuttal
24 testimony?

1 A. Yes.

2 Q. And that document, to the best of your
3 knowledge, was filed on October 1st of this year?

4 A. Yes.

5 Q. Do you have any corrections to any of the
6 exhibits that we just referenced?

7 A. There is a typo in one of the exhibits that
8 we do need to correct.

9 Q. Okay. Carry on.

10 A. Sorry.

11 There's a correction of an internal parcel
12 number. And I believe it is Item B.

13 Q. Okay. And subject to check, would you agree
14 with me that that was taken care of in the revision
15 filed to Part B yesterday?

16 A. Yes.

17 Q. Very good.

18 Any other corrections to your testimony or
19 any of those exhibits?

20 A. No.

21 Q. Is all of the information contained therein
22 true and accurate to the best of your knowledge,
23 information and belief?

24 A. Yes.

1 Q. And if asked the same questions as are
2 contained therein, would your answers be the same
3 sitting here today?

4 A. Yes.

5 MR. DEARMONT: I have no further questions
6 for Ms. Sloan and would move for the admission,
7 subject to cross examination, of ATXI Exhibits 2.0,
8 2.1, 2.2 Revised, 2.3 Part A, 2.3 Part B Revised, 2.3
9 Parts C through J, 2.4, 2.5, and 5.0.

10 JUDGE ALBERS: All right. Any questions for
11 Ms. Sloan?

12 MR. KALB: I have a few questions, your
13 Honor.

14 JUDGE ALBERS: Please.

15 CROSS EXAMINATION

16 QUESTIONS BY MR. KALB:

17 Q. Good morning, Ms. Sloan.

18 A. Good morning.

19 Q. As I think I said, my name is Brian Kalb.
20 I'm an attorney for an Intervener, Dr. Terry Traster.

21 You work for Contract Land Staff, is that
22 correct?

23 A. That's correct.

24 Q. If I refer to Contract Land Staff as CLS,

1 will you understand what I am referring to?

2 A. I will.

3 Q. You were the CLS project manager assigned to

4 the Illinois Rivers Project, correct?

5 A. That is correct.

6 Q. As part of your position, you supervise land

7 agents?

8 A. I do.

9 Q. And the land agents provide landowners

10 offers of compensation, correct?

11 A. They provide offers of compensation based on

12 the third party independent appraisals provided.

13 Q. So their authority to communicate

14 compensation is based on the numbers that are

15 approved by you through the appraisals?

16 A. Well, the numbers -- again, they're

17 independent appraisals, so I don't approve those

18 numbers. They're done by an independent appraiser.

19 But they are based on those appraisals.

20 Q. Does ATXI arrange to have the landowner

21 speak with the appraiser before the report is

22 generated?

23 A. That is not a practice that we're engaged in

24 at this time.

1 Q. Does the land agents employed by CLS have
2 communications with the landowner before the
3 appraisal report?

4 A. They can. The appraisals are all dated
5 different days. So in some cases, the land agent
6 would have talked to a property owner prior to the
7 appraisal being completed, certainly.

8 Q. Do you know if the CLS land agent spoke to
9 Dr. Traster before the appraisal report was
10 generated?

11 A. I don't recall specifically the first day of
12 their conversation, but -- or I would have to look to
13 find the first day that they met. I know he spoke --
14 well, he spoke to them before he met with them at
15 least once, because he had to set up the meeting.
16 But without looking at the date to verify, I can't
17 say for sure.

18 Q. Does CLS coordinate with the appraiser to
19 inspect the property?

20 A. At this time, we do not.

21 Q. How does the appraiser know to conduct an
22 appraisal? How does that work?

23 A. I think, in that case, I would need to refer
24 you to Mr. Trelz, and again, the outside counsel that

1 set up the process for how the parcels were
2 appraised.

3 Q. As far as scheduling and coordinating with
4 the appraiser to go ahead and do an appraisal, that's
5 not something CLS does?

6 A. That's correct.

7 Q. Do you have any communications -- strike
8 that.

9 Do you have any conversations with the
10 appraiser before the report is generated?

11 A. Not in any way that would contribute to the
12 appraisal.

13 Q. I am going to hand you what has been marked
14 as Traster Cross 5.

15 Have you seen this document before?

16 A. Yes. This is Mr. Traster's appraisal.

17 Q. Have you reviewed it?

18 A. I am familiar with its contents.

19 Q. I am going to call your attention to page
20 four of the appraisal.

21 Off the record.

22 (Discussion off the record.)

23 Q. (By Mr. Kalb) On the second line under
24 scope of work and valuation.

1 A. For clarification, you mean page four of the
2 appraisal, not labeled page four of 20?

3 Q. Yes. On page four of the appraisal.

4 A. Okay.

5 Q. It states: At the request of the client,
6 the appraiser has had no contact or interview with
7 the property owner and the subject site inspection
8 has been limited to a viewing of the property from
9 the public right-of-way in an analysis of the local
10 public records and available aerial and typographic
11 mapping.

12 Do you see that?

13 A. I do.

14 Q. Do you know why it is that ATXI has made a
15 request of the appraiser not to contact the
16 landowner?

17 A. Again, for questions about how they're
18 performed and the scope of them, I would again refer
19 to Mr. Trelz and the advisement of outside counsel.

20 Q. To answer the question, you don't know why
21 that instruction exists? Why ATXI gave that
22 instruction?

23 A. I am not privy to that information.

24 Q. Do you know if in this instance whether the

1 appraiser made any kind of evaluation of the presence
2 of trees on Mr. Traster's property?

3 A. Aside from anything contained herein, I
4 can't speak as to what they evaluated.

5 Q. When you reviewed this appraisal, did you
6 see any reference to trees?

7 A. I believe you're driving towards a
8 contributory value, and that is not contained in
9 here.

10 Q. And when you looked at this report, did you
11 see any reference to any windbreaks that were
12 analyzed by the appraiser?

13 A. Again, I can't state to what they evaluated.
14 There is not discussion of a value for those items
15 here.

16 Q. When you say "here", you're referring to the
17 appraisal, correct?

18 A. Correct.

19 Q. That's correct?

20 A. That's correct.

21 Q. Did you have any conversations with the
22 appraiser about Dr. Traster's property at any time?

23 A. Can you clarify? At any time? I mean,
24 certainly we have discussed. Do you mean prior?

1 Q. No. At any time since before or after this
2 proceeding began.

3 A. We have discussed this appraisal, yes.

4 Q. In your discussions, did the appraiser make
5 reference to valuating the trees on Mr. Traster's
6 property?

7 A. I did not inquire about the trees
8 specifically.

9 Q. And is it your understanding that the trees
10 are a major issue with Dr. Traster?

11 A. I do understand that is a major issue, yes.

12 Q. And yet there's been no conversations
13 between you and the appraiser about the trees,
14 correct?

15 A. That's correct.

16 Q. Dr. Traster has given ATXI an estimate as to
17 the value of his trees, correct?

18 A. That is correct.

19 Q. Do you, yourself, have any kind of expertise
20 in the valuation of trees?

21 A. I am not an arborist or forester, no.

22 Q. Does ATXI have an arborist or a forester on
23 staff to evaluate landowners' estimates as far as
24 trees?

1 A. I have not ever asked if they have an
2 arborist or a forester. I know that they do have
3 staff that specialize in looking at timber. But I
4 have not asked if they have an on-staff arborist or
5 forester.

6 Q. As it relates to Dr. Traster's property,
7 you, yourself, have not consulted anyone as to the
8 value of the trees on his property, correct?

9 A. Well, is that an exhibit that has been --

10 Q. No, it's not. I am holding the replacement
11 estimate that Dr. Traster has provided.

12 A. Okay.

13 Q. Would it help you in answering the question?

14 A. Is there a gentleman's name on that paper?

15 Q. There is a signature from a gentleman. And
16 the appraisal or the estimate was provided by
17 Heartland Forestry.

18 Have you spoken to them?

19 A. I have tried numerous times to speak with
20 Heartland Forestry and have yet to receive a call
21 back.

22 Q. Back to the appraisal. Do you know how long
23 it took for American Appraisal to generate the report
24 after it was given the order to provide a report for

1 that property?

2 A. I do not know.

3 Q. And I noticed in your revised testimony that

4 there was efforts made to have Mr. Traster provide

5 you an estimate, or ATXI an estimate, to the value of

6 the trees, correct?

7 A. Correct.

8 Q. And ATXI first initiated contact with Dr.

9 Traster in May, correct?

10 A. That sounds correct.

11 Q. And I am referring to May of 2014.

12 A. Correct.

13 Without having the, you know, the

14 information in front of me, I can't specify exactly.

15 But I do believe it was around May.

16 Q. And ATXI requested Dr. Traster get an

17 estimate to provide ATXI as to the replacement cost

18 or value of the trees, is that right?

19 A. We certainly ask for something to support

20 his claim of value.

21 Q. Do you know how long it takes for an

22 arborist or a forester to provide such an estimate?

23 A. I do not know.

24 Q. And you, yourself, have attempted to reach

1 this forester and have had difficulty?

2 A. As of today, he has not returned my call.

3 Q. What is ATXI's policy as far as compensating
4 landowners who make claim for tree damage or
5 replacement?

6 A. Any land --

7 MR. DEARMONT: Object to the extent that
8 that assumes facts not in evidence. Namely, that
9 there is some type of formal policy regarding that.

10 JUDGE ALBERS: If you care to rephrase.

11 Q. (By Mr. Kalb) Does ATXI have a policy as
12 far as compensating landowners who claim damage for
13 trees?

14 A. Well, again, there is no formal policy. But
15 every landowner that submits any documentation for
16 review, that information is vetted through ATXI. And
17 that includes through the appraisers. And any
18 supporting information that they provide to evaluate
19 and determine how to respond.

20 Q. ATXI has compensated landowners on the
21 Illinois Rivers Project for trees, is that correct?

22 A. They have compensated landowners for trees
23 as a crop.

24 Q. And when you say "crop", is that trees that

1 fall within a timber management plan?

2 A. Yes.

3 Q. So some property owners have trees that fall
4 within this category that's referred to as a timber
5 management plan, correct?

6 A. They do.

7 Q. And in those instances, those landowners
8 will provide ATXI an appraisal for the value of those
9 trees for consideration?

10 A. It could come in various forms. But
11 something speaking to the validity of the value in
12 that plan or program.

13 Q. And so where the property owner presents the
14 compensation, as far as trees as a crop, ATXI has
15 compensated the property owner in the past?

16 A. That is correct.

17 Q. What about instances where the property
18 owner has shown that the trees are not a crop,
19 instead provide some other kind of benefit to the
20 land, such as a windbreak?

21 A. I do not recollect that we have compensated
22 for or seen a windbreak claim.

23 Q. And what about instances where the landowner
24 himself or herself has planted or invested capital

1 into the trees along the easement? Has there been
2 any reimbursement from ATXI for such instances?

3 A. I would have to double check. I can't say
4 definitively.

5 Q. Just going back a moment to confirm.

6 Ms. Sloan, you don't have any expertise as
7 an arborist or forester, correct?

8 A. That's correct.

9 Q. And you mentioned in your revised rebuttal
10 testimony on page three of four in ATXI Exhibit 5 --
11 and I will give you a moment.

12 MR. DEARMONT: Can you repeat that for me?

13 MR. KALB: Yes. I am going to refer the
14 witness to ATXI Exhibit 5, page three of four.

15 MR. DEARMONT: Thank you.

16 Q. (By Mr. Kalb) I am going to call your
17 attention to lines 41 through 47. It states that
18 after this proceeding was initiated on September 21,
19 2014, Dr. Traster finally provided a formal
20 counteroffer that included a replacement estimate for
21 a total of 538 trees.

22 And then on line 45 it says: Dr. Traster
23 estimates in his own testimony that he has only
24 approximately 150 trees that may be impacted by the

1 transmission line; thus, the basis for any estimate
2 damages is as unclear as ever.

3 A. Correct.

4 Q. The estimate that was provided by the
5 forester, however, wasn't based on trees, correct?
6 It was based on stalks, tree stalks?

7 A. If you want me to discuss that, I will
8 probably need to see the item.

9 Q. I am going to hand you a copy of the
10 estimates that was previously provided and I am going
11 to call your attention --

12 Let me show this to counsel.

13 MR. DEARMONT: We're talking about it quite
14 a bit. Can we just mark it for purposes and --

15 MR. KALB: Yeah.

16 MR. DEARMONT: -- benefit of the record
17 perhaps?

18 MR. KALB: I will mark it as Traster Cross
19 Exhibit 6. I am afraid I don't have copies of it.

20 MR. DEARMONT: That's okay.

21 Q. (By Mr. Kalb) Ms. Sloan, can you take a
22 moment and review that to refresh your recollection
23 of that document?

24 A. Sure. Okay.

1 Q. That estimate makes reference to replacing
2 tree stems, correct?

3 A. Yes.

4 Q. Do you know if there is a difference between
5 a stem and a tree?

6 A. Again, I'm neither an arborist nor forester.
7 I don't believe I can answer that.

8 Q. So any basis for Mr. Traster's counteroffer
9 based on the damage to his trees, it may be unclear
10 simply because you may lack the knowledge to
11 comprehend that document, correct?

12 A. Well, I would say that the document is
13 incomplete. And we would need additional
14 information.

15 Q. But I am just referring to the difference
16 between stems and actual trees.

17 You don't know the difference between those
18 two?

19 A. No.

20 Q. Thank you.

21 Has ATXI made any kind of effort to
22 investigate whether the trees on Mr. Traster's
23 property making up his windbreak can be relocated?

24 A. I personally have not made that inquiry.

1 Q. Do you know if anyone at ATXI has?

2 A. I cannot speak to the actions of others.

3 Q. You have no knowledge of it, correct?

4 A. Again, I have not done it myself.

5 Q. And you don't -- you're not aware of anyone

6 else at ATXI doing it, correct?

7 A. I have not been told that anybody else has

8 done that.

9 Q. Has ATXI made any effort to relocate the

10 transmission line so it does not impact Dr. Traster's

11 windbreak?

12 A. Dr. Traster has not requested that ATXI

13 review such an item.

14 Q. Has ATXI independently reviewed such an

15 item?

16 A. Not to my knowledge.

17 MR. KALB: At this time, I would move for

18 the admittance of exhibits Traster Cross 5 into

19 evidence.

20 JUDGE ALBERS: Any objection?

21 MR. HARVEY: None from Staff, your Honor.

22 MR. DEARMONT: No objection.

23 JUDGE ALBERS: Hearing no objection, Traster

24 Cross Exhibit 5 is admitted.

1 (Traster Cross Exhibit 5 was
2 admitted at this time.)

3 MR. KALB: I have no further questions for
4 Ms. Sloan.

5 Thank you, Ms. Sloan.

6 JUDGE ALBERS: Do you want to move for
7 admission of Cross Exhibit 6?

8 MR. KALB: No.

9 JUDGE ALBERS: Does Staff have any questions
10 for Ms. Sloan?

11 MR. HARVEY: Staff does not, your Honor.

12 JUDGE ALBERS: Ms. Sloan, I think I know the
13 answers to my questions based on Mr. Kalb's cross
14 examination of you, but I will go ahead and ask them
15 just to be clear.

16 EXAMINATION

17 QUESTIONS BY JUDGE ALBERS:

18 Q. Has ATXI offered to replace Mr. Traster's
19 trees?

20 A. We have not offered specifically to replace
21 the trees. At this point, I don't feel that we have
22 enough information to adequately vet the information
23 that has been supplied by Mr. Traster via Mr. Kalb.

24 In our efforts to discuss with the forester

1 his valuation plan for replacement, we would like a
2 little bit more information to be able to thoroughly
3 vet that information. If we could be provided that
4 information, whether it be via the appraiser or
5 through Mr. Kalb, that would help us and assist and
6 be able to respond to Mr. Traster.

7 Q. Okay. Hypothetically, is ATXI willing to
8 replace the trees?

9 A. Hypothetically, being unsure of future
10 events, it's within the realm of possibility.

11 Q. Okay. I realize that you need more
12 information before making a final decision.

13 A. Yes.

14 JUDGE ALBERS: That's all I have.

15 Do you have any redirect?

16 MR. DEARMONT: I have a few questions.

17 Thank you.

18 REDIRECT EXAMINATION

19 QUESTIONS BY MR. DEARMONT:

20 Q. Ms. Sloan, you and counsel for Dr. Traster
21 discussed I believe what has been marked as Traster
22 Cross Exhibit 6, correct? If we could have that back
23 here.

24 A. Okay.

1 Q. Do you remember that line of discussion?

2 A. Here?

3 Q. Yes.

4 A. Yes.

5 Q. And so I am clear -- and I think this ties

6 together, but that's the document that you refer to

7 in your testimony as being provided on

8 September 21st, correct?

9 A. Correct.

10 Q. And describe this again for me. This was a

11 document that you believe was prepared by whom?

12 A. It's signed by a Stephen Parker of Heartland

13 Forestry.

14 Q. And that is the entity that you have tried

15 to contact?

16 A. That is correct, via his supplied phone

17 number on the item.

18 Q. Why have you done that? Why have you wanted

19 to have follow-up discussions with Heartland

20 Forestry?

21 A. Any information supplied from a property

22 owner, we want to review and thoroughly vet the

23 information in an attempt to be as thorough as

24 possible.

1 And it is my opinion that there is
2 information that would be helpful to have that's not
3 contained here, such as what the intent is with this
4 replacement. Is it a replacement cost? We would
5 like more input from Mr. Parker as to the details
6 behind the item.

7 Q. Based on the information that you have
8 today, and I guess specifically the information
9 that's contained on that document, do you believe
10 that's likely to change the amount of compensation
11 that we, ATXI, will offer Dr. Traster?

12 A. Without additional information, it's
13 difficult to evaluate what is on this estimate.

14 Q. Mr. Kalb asked you about instances I think,
15 generally, where ATXI has compensated landowners for
16 the loss of timber.

17 Do you remember that line of questioning?

18 A. Yes.

19 Q. And I believe you said that had to do with
20 instances where that timber was I think you used the
21 word "a crop", correct?

22 A. Correct.

23 Q. I take it from that that you view that as
24 being meaningfully distinct from what we have going

1 on here?

2 A. That is correct.

3 Q. Why?

4 A. Crops are recognized -- it's my
5 understanding, and I'm not an attorney, but as an
6 item for compensation in negotiations such as these.
7 This is wholly different and would be a damage claim.
8 And that is the distinction between the two.

9 Q. So a crop of trees could be like a crop of
10 corn or soybeans or some other agricultural item, is
11 that fair?

12 A. That's correct.

13 Q. Again, that Traster Cross Exhibit 6, the
14 document from Heartland Forestry, have you shared
15 that with anyone internal to the company or perhaps
16 external?

17 A. Same as with any time that we do receive
18 items from an owner, it was provided to ATXI, as well
19 as their appraiser, to review to determine if it
20 would change our estimation of value.

21 Q. And based on that conversation or what you
22 know today, has it changed that estimate?

23 A. It has not changed that estimate.

24 MR. DEARMONT: I have no further questions.

1 JUDGE ALBERS: Mr. Kalb, do you have any
2 recross?

3 RECROSS EXAMINATION

4 QUESTIONS BY MR. KALB:

5 Q. I just had a question on Judge Alber's
6 question to you regarding the replacement of trees.

7 You were asked -- and correct me if I am
8 wrong -- whether ATXI has had any kind of
9 communication or effort to replace Dr. Traster's
10 trees. And you said you needed more information?

11 A. Uh-huh.

12 Q. Is that right?

13 A. I do.

14 Q. Were you answering in terms of value or
15 whether the trees themselves could be replaced? I
16 was not sure what the word "replacement" meant in
17 that context. I am wondering what you understood it
18 to mean.

19 JUDGE ALBERS: You're asking what I meant by
20 "replace"?

21 MR. KALB: Well, what the answer was going
22 towards.

23 JUDGE ALBERS: Maybe I should clarify my
24 question first.

1 MR. KALB: Thank you. Don't want to call
2 out the judge.

3 JUDGE ALBERS: That's all right. That was a
4 fair question.

5 I was thinking in terms of replacing the
6 actual trees.

7 MR. KALB: Yeah, that's what I was thinking
8 too.

9 JUDGE ALBERS: If they had to cut down the
10 line, if it was physically possible in the space
11 available, assuming that, would ATXI would be willing
12 to put new trees there? In a different location, but
13 --

14 Mr. Dearmont, you look like you're --

15 MR. DEARMONT: I am not testifying, but I am
16 confused.

17 JUDGE ALBERS: If you looked at the plat map
18 or aerial map provided regarding Mr. Traster's
19 property, there appears to be a -- simply line of
20 trees planted along the corner where the road bends
21 there.

22 And my question was, simply, if that line of
23 trees needed to be cut down to make room for the
24 easement, and there was physically room there to

1 plant another line of trees without interfering with
2 the transmission line; hypothetically, would ATXI be
3 willing to replace the line of trees with a new line
4 of trees, just moved over so that it would not
5 interfere with the transmission line.

6 Does that make sense?

7 MR. DEARMONT: I think so.

8 Outside of the easement area, perhaps,
9 closer to the pond?

10 JUDGE ALBERS: Perhaps, yes. Whereas,
11 Mr. Murbarger testified earlier, sometimes certain
12 presumably shorter trees are allowed. Ideally,
13 outside the easement area.

14 Does that question make sense?

15 MR. DEARMONT: I am good if you are.

16 THE WITNESS: Yes. I think I can clarify on
17 all fronts for all parties.

18 Replacement is not limited strictly to what
19 I would say -- and I am not an appraiser -- but true
20 replacement. So item for item. This particular type
21 of tree for that particular type of tree in a
22 separate location. But also consider perhaps
23 replacement of that particular tree with a variety of
24 similar or altogether different items.

1 So is the intent of Mr. Traster to plant
2 whatever this as marked as Cross Exhibit 6
3 represents, is it his intent that we compensate him
4 to replant these items in the right-of-way space? I
5 don't know. You can't tell from what's here.

6 Is it his intent to plant trees somewhere
7 else on the property to take the place of those
8 trees, but in an alternate location? Again, it's not
9 clear from this.

10 So without -- there's additional information
11 that would be helpful to know from Mr. Parker when he
12 valuated this. And I think we want those answers in
13 order to evaluate.

14 JUDGE ALBERS: Okay.

15 THE WITNESS: Did I make it worse or better?

16 JUDGE ALBERS: I think we're at the same
17 place. It still sounds to me -- and tell me if you
18 disagree -- that, hypothetically, it's within the
19 realm of possibility that -- you can answer as you
20 like -- in some species of tree and a line of trees
21 might be offered or could be offered?

22 THE WITNESS: Could be, yes.

23 JUDGE ALBERS: All right. That was all I
24 was asking. And I think you have agreed with the

1 earlier answer you gave me.

2 Does that clarify things for you, Mr. Kalb?

3 MR. KALB: Yes, your Honor.

4 JUDGE ALBERS: Did you have any other

5 recross?

6 MR. KALB: No. No recross.

7 JUDGE ALBERS: I think we've put Ms. Sloan

8 through enough.

9 Is there any objection to her exhibits?

10 (No response.)

11 JUDGE ALBERS: Hearing none, then ATXI

12 Exhibit 2, 2.1, 2.2 Revised both proprietary and

13 public version, 2.3 Parts A, B Revised and C through

14 J are admitted, as well as 2.4, 2.5 and 5.0.

15 (ATXI Exhibits 2.0, 2.1, 2.2

16 Revised, 2.3 Parts A, B Revised and

17 C through J, 2.4, 2.5 and 5.0 were

18 admitted at this time.)

19 JUDGE ALBERS: Thank you, Ms. Sloan.

20 MS. SLOAN: Thank you.

21 JUDGE ALBERS: Off the record.

22 (Discussion off the record.)

23 JUDGE ALBERS: I think that takes care of

24 ATXI's case.

1 MR. DEARMONT: It does.

2 JUDGE ALBERS: And then, Mr. Harvey, you

3 have your witness?

4 MR. HARVEY: Yes, indeed, your Honor.

5 We would call, at this time, Mr. Greg

6 Rockrohr.

7 THE WITNESS: Good morning.

8 * * * * *

9 GREG ROCKROHR,

10 of lawful age, produced, sworn and examined on behalf

11 of the STAFF, testifies and says:

12 DIRECT EXAMINATION

13 QUESTIONS BY MR. HARVEY:

14 Q. Mr. Rockrohr, could you please state your

15 name and spell it for the record?

16 A. My name is Greg Rockrohr, G-R-E-G,

17 R-O-C-K-R-O-H-R.

18 Q. And how are you employed, Mr. Rockrohr?

19 A. I am a senior electrical engineer on staff

20 in the Safety and Reliability Division at the

21 Commission.

22 Q. Have you prepared direct testimony in this

23 proceeding?

24 A. Yes.

1 Q. Is it marked for identification as Staff
2 Exhibit 1.0?
3 A. Yes.
4 Q. Does it consist of 14 pages of narrative
5 text with a cover page and attached Exhibits A
6 through D, as in dog, inclusive?
7 A. The copy I have with me consists of
8 15 pages. I am wondering if I --
9 Q. I think it's --
10 JUDGE ALBERS: Off the record.
11 (Discussion off the record.)
12 Q. (By Mr. Harvey) Looks like 15 pages.
13 A. Yes.
14 Q. And just to be clear, that consists of --
15 there are also attached exhibits, which are A through
16 D inclusive?
17 A. Correct.
18 Q. And all of those, except for Exhibit D,
19 consists of one page; and Exhibit D consists of two
20 pages?
21 A. Yes.
22 Q. Now, this testimony was prepared by you or
23 at your direction?
24 A. Yes.

1 Q. And if I were to ask you the same questions
2 that were contained in this testimony, would your
3 answers be the same as they were when the testimony
4 was submitted on September 29th?

5 A. Yes.

6 Q. And are all of those answers true and
7 correct?

8 A. Yes.

9 Q. Do you have any additions or corrections to
10 make to this testimony?

11 A. No.

12 MR. HARVEY: Thank you, Mr. Rockrohr.

13 With that, I would move the testimony of
14 Staff Exhibit 1.0 with attached Exhibits A through D
15 inclusive into evidence and tender Mr. Rockrohr for
16 cross examination.

17 MR. KALB: No objection.

18 JUDGE ALBERS: Questions, Mr. Kalb?

19 CROSS EXAMINATION

20 QUESTIONS BY MR. KALB:

21 Q. Mr. Rockrohr, I am going to refer you to
22 your direct testimony. It's Illinois Commerce
23 Commission Staff Exhibit 1.0, page seven. I am going
24 to focus on lines 147 through 153.

1 You were asked: Was ATXI's method of
2 determining offers of compensation to individual
3 landowners reasonable.

4 Do you recall that?

5 A. I am reading it.

6 Q. Your answer was: Yes, the methodology that
7 ATXI used to determine its offers of compensation
8 appears to me to be logical and reasonable.

9 A. Yes.

10 Q. Did I recite that correctly?

11 A. Yes, you have.

12 Q. And I was wondering, what is the basis for
13 your expertise to reach an opinion regarding the
14 methodology that ATXI uses to make compensations?

15 A. Only reference to prior decisions.

16 Q. And what is your expertise?

17 A. I am an electrical engineer.

18 Q. You don't have any expertise in land
19 valuation, correct?

20 A. That's correct.

21 Q. You don't have any expertise in forestry,
22 correct?

23 A. I did manage a vegetation management group
24 in a prior career, so I do have some. But not in my

1 present role.

2 Q. Do you have any expertise in valuation of
3 timber?

4 A. No.

5 Q. Do you have any expertise in valuation of
6 trees, generally?

7 A. No.

8 Q. You're not an appraiser, are you?

9 A. I am not.

10 Q. If an appraisal did not accurately account
11 for the unique land features of an landowner, would
12 you consider the use of such an appraisal for
13 compensation purposes to be reasonable?

14 MR. HARVEY: Well, I will have to object to
15 that. I mean, the last line of questions has
16 established he's not competent to answer it.

17 JUDGE ALBERS: I need you to repeat the
18 question. I didn't follow it. If you'll just repeat
19 it and then I will consider the objection.

20 MR. DEARMONT: To be clear, this is
21 hypothetical?

22 MR. KALB: Correct.

23 Q. (By Mr. Kalb) Let's go back one moment.
24 You opine ATXI methodology is reasonable,

1 correct? You opine the methodology ATXI used to
2 determine its offers of compensation to be
3 reasonable?

4 A. Correct.

5 Q. And you reference that ATXI relies on
6 appraisals to make its compensation offers, correct?

7 A. Yes, I do.

8 Q. And if the appraisal did not accurately
9 account for the unique land features of the
10 landowner, would you consider that to be reasonable?

11 MR. HARVEY: Again, I renew my objection. I
12 think that it's just established or suggested that by
13 his last line of questioning that the witness doesn't
14 have expertise in this area. He's now asking him to
15 form an opinion, which Mr. Rockrohr's direct
16 testimony moreover makes clear that he doesn't, in
17 fact, offer.

18 JUDGE ALBERS: You can respond.

19 MR. KALB: Mr. Rockrohr states: It is my
20 understand -- Strike that.

21 Mr. Rockrohr states on line 152 and 153 on
22 page seven: It is my understanding that ATXI based
23 its offers upon its appraiser's property valuation,
24 which included consideration of sales of similarly

1 situated properties.

2 I am simply following up on his
3 understanding the methodology of the appraisals that
4 ATXI uses. He certainly opened the door to this line
5 of questioning in his direct testimony.

6 MR. HARVEY: No, he didn't.

7 JUDGE ALBERS: Objection overruled.

8 THE WITNESS: Well, my testimony is about
9 the methodology that ATX used. It's not an
10 evaluation of specific appraisals that ATX reviewed.
11 So I was not testifying about specific appraisals. I
12 am testifying about, generically, ATXI uses
13 appraisals from an independent third party company to
14 form its offers.

15 Q. (By Mr. Kalb) Hypothetically, if those
16 appraisals were deemed to be inaccurate, would you
17 believe that the methodology is still reasonable?

18 A. It would depend on who deems them
19 inaccurate.

20 Q. And you don't have that expertise?

21 A. I do not.

22 Q. So you don't know whether or not ATXI's --
23 strike that.

24 You can't opine that ATXI's offer of

1 compensation to Dr. Traster was reasonable in this
2 instance, can you?

3 A. No. Again, my testimony is that the
4 methodology that ATXI used to formulate its offer to
5 your client appears to me to be reasonable.

6 Q. And if there were any defects that you were
7 made aware of, that could change your opinion,
8 correct?

9 A. If there were -- again, maybe we're talking
10 semantics. But, to me, if you pointed out specific
11 defects in the specific appraisal, that still does
12 not change my testimony that the general methodology
13 was reasonable.

14 I hope that answers your question.

15 MR. KALB: It does.

16 I've got no further questions.

17 JUDGE ALBERS: And did Ameren have any
18 questions for Mr. Rockrohr?

19 MR. DEARMONT: We have none.

20 MR. HARVEY: No redirect.

21 JUDGE ALBERS: Thank you.

22 Any objection then to Staff's exhibit and
23 attachment?

24 MR. DEARMONT: No objection.

1 MR. KALB: No objection.

2 JUDGE ALBERS: Hearing no objection, then

3 Staff Exhibit 1 with Attachments A through D are

4 admitted.

5 (Staff Exhibit 1 with Attachments A

6 through D were admitted at this

7 time.)

8 JUDGE ALBERS: Thank you, Mr. Rockrohr.

9 Is there anything else for the record today?

10 MR. DEARMONT: Nothing from ATXI. Thank

11 you.

12 MR. KALB: Nothing from Dr. Traster.

13 MR. HARVEY: Nothing from Staff.

14 JUDGE ALBERS: Nothing from Staff, you say?

15 MR. HARVEY: That's correct, your Honor.

16 Nothing from Staff.

17 JUDGE ALBERS: Thank you.

18 With regard to Dr. Traster's property, it

19 seems to me that the hindrance to there being an

20 easement agreement is that he would like to retain

21 his -- a line of trees.

22 And given what I've read in the prepared

23 testimony and heard today, I would like to strongly

24 encourage Mr. Kalb and counsel for ATXI to, between

1 now and the time the initial briefs are due, to talk
2 about Mr. Traster's property and the trees and see if
3 you can work something out.

4 MR. KALB: Okay.

5 MR. DEARMONT: Loud and clear.

6 JUDGE ALBERS: All right. Is there anything
7 else then?

8 (No response.)

9 JUDGE ALBERS: All right. If there's
10 nothing further, then I think we have all the
11 exhibits. They've been identified. I think the only
12 thing that hasn't been filed is the affidavit, which
13 is fine. We've identified it. With that, we'll mark
14 the record heard and taken. Thank you.

15 HEARD AND TAKEN.

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CERTIFICATE OF REPORTER

I, Angela C. Turner, a Certified Shorthand
Reporter within and for the State of Illinois, do
hereby certify that the hearing aforementioned was
held on the time and in the place previously
described.

IN WITNESS WHEREOF, I have hereunto set my
hand and seal.

Angela C. Turner
IL CSR #084-004122